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PREPARATORY COMMISSION FOR THE
INTERNATIONAL SEABED AUTHORITY AND
FOR THE INTERNATIONAL TRIBUNAL FOR
THE LAW OF THE SEA
New York, 10-21 August 1992

FINAL DRAFT RULES OF PROCEDURE OF THE ASSEMBLY OF THE INTERNATIONAL SEABED AUTHORITY

Working paper by the Secretariat

I. SESSIONS

Regular sessions

Rule 1*

Regular annual sessions

The Assembly shall meet in regular annual sessions unless it decides otherwise.

Rule 2*

Date and duration

The date of commencement and the duration of each such session shall be decided by the previous session of the Assembly.

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* Rules with an asterisk have been provisionally adopted.

Rule 3* (4) 1/

Notification of members

The Secretary-General shall notify the members of the Authority at least sixty days in advance of the opening of a regular session.

Special sessions

Rule 4* (5)

Convening of special sessions

1. The Assembly may convene special sessions and shall fix the date of commencement and the duration of each such session.

2. At the request of the Council or of a majority of the members of the Authority, the Secretary-General shall convene a special session of the Assembly and it shall meet no earlier than thirty days and no later than ninety days after the receipt of such a request unless the request has stipulated otherwise.

3. Any member of the Authority may request the Secretary-General to convene a special session of the Assembly. The Secretary-General shall immediately inform the other members of the Authority of the request and inquire whether they concur in it. If within thirty days of the date of communication by the Secretary-General a majority of the members of the Authority concur in the request, a special session of the Assembly shall be convened in accordance with paragraph 2.

Rule 5* (6)

Notification of members

The Secretary-General shall notify the members of the Authority at least thirty days in advance of the opening of a special session.

1/ The number in parentheses indicates the number of the rule in document LOS/PCN/WP.20/Rev.1 if its position has been changed in the present document.

Regular and special sessions

Rule 6* (3)

Place of meeting

The Assembly shall meet at the seat of the Authority unless it decides otherwise.

Rule 7*

Notification to observers

Copies of the notice convening each session of the Assembly shall be addressed to observers referred to in rule 93.

Rule 8*

Temporary adjournment of session

The Assembly may decide at any session to adjourn temporarily and resume its meetings at a later date. A regular session shall not normally be adjourned beyond the end of the year.

II. AGENDA

Regular sessions

Rule 9*

Provisional agenda

The provisional agenda for a regular session shall be drawn up by the Secretary-General and communicated to the members of the Authority and to observers at least sixty days before the opening of the session.

Rule 10*

Drawing up of the provisional agenda

The provisional agenda of a regular session shall include:

(a) The report of the Secretary-General on the work of the Authority;

(b) Reports from the Council and the Enterprise, and special reports requested from the Council or any other organs;

(c) Items the inclusion of which has been ordered by the Assembly at a previous session;

(d) Items proposed by the Council;

(e) Items proposed by any member of the Authority;

(f) Items pertaining to the budget for the next financial year and the report on the accounts for the last financial year;

(g) Items which the Secretary-General deems it necessary to put before the Assembly.

Rule 11*

Supplementary items

Any member of the Authority, the Council or the Secretary-General may, at least thirty days before the date fixed for the opening of a regular session, request the inclusion of supplementary items in the agenda. Such items shall be placed on a supplementary list, which shall be communicated to the members of the Authority and to observers at least twenty days before the opening of the session.

Rule 12*

Additional items

Additional items of an important and urgent character, proposed for inclusion in the agenda less than thirty days before the opening of a regular session or during a regular session, may be placed on the agenda if the Assembly so decides by a majority of the members of the Authority present and voting. No additional item may, unless the Assembly decides otherwise by a two-thirds majority of the members of the Authority present and voting, be considered until seven days have elapsed since it was placed on the agenda.

Special sessions

Rule 13*

Communication of the provisional agenda

The provisional agenda of a special session shall be communicated to the members of the Authority and to observers at least fourteen days before the opening of the session.

Rule 14*

Provisional agenda

The provisional agenda for a special session shall consist only of those items proposed for consideration in the request for the holding of the session.

Rule 15*

Supplementary items

Any member of the Authority, the Council or the Secretary-General may, at least seven days before the date fixed for the opening of a special session, request the inclusion of supplementary items in the agenda. Such items shall be placed on a supplementary list, which shall be communicated to the members of the Authority and to observers as soon as possible.

Rule 16*

Additional items

During a special session, items on the supplementary list and additional items may be added to the agenda by a two-thirds majority of the members of the Authority present and voting.

Regular and special sessions

Rule 17*

Explanatory memorandum

Any item proposed for inclusion in the agenda shall be accompanied by an explanatory memorandum and, if possible, by basic documents or by a draft resolution.

Rule 18*

Adoption of the agenda

At each session, the provisional agenda and the supplementary list, together with the report of the General Committee thereon, shall be submitted to the Assembly for approval as soon as possible after the opening of the session.

Rule 19*

Amendment and deletion of items

Items on the agenda may be amended or deleted by the Assembly by a majority of the members of the Authority present and voting.

Rule 20*

Debate on inclusion of items

Debate on the inclusion of an item in the agenda, when that item has been recommended for inclusion by the General Committee, shall be limited to three representatives of the members of the Authority in favour of, and three against, the inclusion. The President may limit the time to be allowed to speakers under this rule.

Rule 21*

Modification of the allocation of expenses

No proposal for a modification of the allocation of expenses for the time being in force shall be placed on the agenda unless it has been communicated to the members of the Authority at least ninety days before the opening of the session.

III. REPRESENTATION

Rule 22*

Representation

1. Each member of the Authority shall be represented by an accredited representative and such alternate representatives and advisers as may be required.

2. Observers shall be represented by accredited or designated representatives, as the case may be, and by such alternate representatives and advisers as may be required.

3. The representative may designate an alternate representative or an adviser to act in his capacity.

IV. CREDENTIALS

Rule 23*

Submission of credentials

The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Secretary-General if possible not later than twenty-four hours after the opening of the session. The credentials shall be issued either by the Head of the State or Government, by the Minister for Foreign Affairs or by another competent authority of the sending member of the Authority or observer referred to in rule 93, paragraph 1 (a).

Rule 24*

Credentials Committee

A Credentials Committee shall be appointed at the beginning of each session. It shall consist of nine members of the Authority, who shall be appointed by the Assembly on the proposal of the President. The Committee shall elect its own officers. It shall examine the credentials of representatives and report to the Assembly without delay.

Rule 25*

Provisional admission to a session

Pending a decision of the Assembly upon their credentials, representatives shall be entitled to participate provisionally in the Assembly.

Rule 26*

Objection to the representation

If an objection is raised against a representative, such objection shall be considered by the Credentials Committee forthwith. The report thereon shall be submitted to the Assembly without delay for its decision.

V. PRESIDENT AND VICE-PRESIDENTS

Rule 27*

Temporary President

At the opening of each regular session of the Assembly, the President of the previous session shall preside until the Assembly has elected a President for the session.

Rule 28

Elections

At the beginning of each regular session the Assembly shall elect its President and [ ] Vice-Presidents in such a way as to ensure the representative character of the General Committee. They shall hold office until a new President and other officers are elected at the next regular session.

Rule 29*

Acting President

If the President finds it necessary to be absent during a meeting or any part thereof, he shall designate one of the Vice-Presidents to take his place.

Rule 30*

Powers of the Acting President

A Vice-President acting as President shall have the same powers and duties as the President.

Rule 31*

Replacement of the President

If the President is unable to perform his functions, a new President shall be elected for the unexpired term.

Rule 32*

General powers of the President

In addition to exercising the powers conferred upon him elsewhere by these rules, or by the United Nations Convention on the Law of the Sea, the President shall declare the opening and closing of each plenary meeting of the session, direct the discussions in plenary meeting, ensure observance of these rules, accord the right to speak, put questions for decisions and announced decisions. He shall rule on points of order and, subject to these rules, shall have complete control of the proceedings at any meeting and over the maintenance of order thereat. The President may, in the course of the discussion of an item, propose to the Assembly the limitation of the time to be allowed to speakers, the limitation of the number of times each representative may speak, the closure of the list of speakers or the closure of the debate. He may also propose the suspension or the adjournment of the meeting or the adjournment of the debate on the item under discussion.

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Rule 33*

Limitation of the powers of the President

The President, in the exercise of his functions, remains under the authority of the Assembly.

Rule 34*

Voting of the President and Acting President

The President, or a Vice-President acting as President, shall not vote but shall designate another member of his delegation to vote in his place.

VI. GENERAL COMMITTEE

Rule 35

Composition

The General Committee shall comprise the President of the Assembly, who shall preside, and the Vice-Presidents [Chairmen of the subsidiary organs of the Assembly shall be entitled to attend meetings of the General Committee and may participate without vote in the discussions.]

Rule 36*

Substitute members

If a Vice-President finds it necessary to be absent during a meeting of the General Committee, he may designate a member of his delegation to take his place in the Committee.

Rule 37*

Functions

1. The General Committee shall, at the beginning of each session, consider the provisional agenda together with the supplementary list, and shall make recommendations to the Assembly, with regard to each item proposed, concerning its inclusion in the agenda, the rejection of the request for inclusion or the inclusion of the item in the provisional agenda of a future session. It shall, in the same manner, examine requests for the inclusion of additional items in the agenda and shall make recommendations thereon to the Assembly. In considering matters relating to the agenda of the Assembly, the General Committee shall not discuss the substance of any item except in so far as this

bears upon the question whether the General Committee should recommend the inclusion of the item in the agenda, the rejection of the request for inclusion or the inclusion of the item in the provisional agenda of a future session, and what priority should be accorded to an item the inclusion of which has been recommended.

2. The General Committee shall assist the President and the Assembly in drawing up the agenda for each plenary meeting, in determining the priority of its items and in coordinating the proceedings of the subsidiary organs of the Assembly. It shall assist the President in the general conduct of the work of the Assembly which falls within the competence of the President. It shall not, however, decide any question of substance.

Rule 38* (39*)

Meetings

The General Committee shall meet periodically throughout each session to review the progress of the Assembly and its subsidiary organs and to make recommendations for furthering such progress. It shall also meet at such other times as the President deems necessary or upon the request of any other of its members.

Rule 39* (40*)

Participation by members requesting the inclusion of items in the agenda

A member of the Authority which has no representative on the General Committee and which has requested the inclusion of an item in the agenda shall be entitled to attend any meeting of the General Committee at which its request is discussed and may participate, without vote, in the discussion of that item.

VII. SECRETARIAT

Rule 40* (41* and 42*)

Duties of the Secretary-General

1. The Secretary-General shall act in that capacity in all meetings of the Assembly and its subsidiary organs. He may designate a member of the Secretariat to act in his place at these meetings. He shall discharge such other responsibilities as are assigned to him by the Assembly under Part XI of the United Nations Convention on the Law of the Sea.

2. The Secretary-General shall provide and direct the staff required by the Assembly and its subsidiary organs.

Rule 41* (43*)

Duties of the Secretariat

The Secretariat shall receive, translate, reproduce and distribute documents, reports and resolutions of the Assembly and its subsidiary organs; interpret speeches made at the meetings, prepare and circulate the records of the session, have the custody and proper preservation of the documents in the archives of the Authority, distribute all documents of the Assembly to the members of the Authority and observers; and, generally, perform all other work which the Assembly may require.

Rule 42* (44*)

Report of the Secretary-General on the work of the Authority

The Secretary-General shall make an annual report, and such supplementary reports as are necessary, to the Assembly at its regular session on the work of the Authority. He shall communicate the annual report to the members of the Authority and observers at least forty-five days before the opening of the regular session.

Rule 43 (45)

Regulations concerning the Secretariat

[Deleted]

VIII. LANGUAGES

Rule 44* (46*)

Languages

Arabic, Chinese, English, French, Russian and Spanish shall be the languages of the Assembly and its subsidiary organs.

Rule 45* (47*)

Interpretation

1. Speeches made in a language of the Assembly shall be interpreted into other such languages.

2. Any representative may make a speech in a language other than a language of the Assembly. In that case he shall himself provide for interpretation

into one of the languages of the Assembly. Interpretation into the other languages of the Assembly by the interpreters of the Secretariat may be based on the interpretation given in the first such language.

Rule 46

[Included as paragraph 2 of rule 45]

Rule 47 (49)

Languages of the Journal of the Authority

[Deleted]

Rule 48 (50*)

Languages of resolutions and other documents

All documents shall be published in the languages of the Assembly.

IX. RECORDS

Rule 49* (51*)

Records and sound recordings of meetings

1. Summary records of the plenary meetings of the Assembly shall be kept in the languages of the Assembly. As a general rule, they shall be circulated as soon as possible, simultaneously in all languages of the Assembly, to all representatives, who shall inform the Secretariat within five working days after the circulation of the summary record of any changes they wish to have made.

2. The Secretariat shall make sound recordings of meetings of the Assembly and of its subsidiary organs when they so decide.

X. PUBLIC AND PRIVATE MEETINGS OF THE ASSEMBLY AND ITS SUBSIDIARY ORGANS

Rule 50* (52*)

Public and private meetings

1. The meetings of the Assembly shall be held in public unless the Assembly decides that exceptional circumstances require that the meeting be held in private.

2. As a general rule, meetings of subsidiary organs shall be held in private.

3. All decisions of the Assembly taken at a private meeting shall be announced at an early public meeting of the Assembly. At the close of a private meeting of a subsidiary organ, the Chairman may issue a communiqué through the Secretary-General.

Rule 51

Private meetings

[Merged with rule 50, as paragraphs 2 and 3]

XI. MINUTE OF SILENT PRAYER OR MEDITATION

Rule 52* (55*)

Invitation to silent prayer or meditation

Immediately after the opening of the first plenary meeting and immediately preceding the closing of the final plenary meeting of each session of the Assembly, the President shall invite the representatives to observe one minute of silence dedicated to prayer or meditation.

XII. PLENARY MEETINGS

Conduct of business

Rule 53* (56*)

Quorum

The President may declare a meeting open and permit the debate to proceed when at least a majority of the members of the Authority are present.

Rule 54* (57*)

Speeches

No representative may address the Assembly without having previously obtained the permission of the President. The President shall call upon speakers in the order in which they signify their desire to speak. The President may call a speaker to order if his remarks are not relevant to the subject under discussion.

Rule 55* (58)

Precedence

The Chairman of a subsidiary organ may be accorded precedence for the purpose of explaining the conclusions arrived at by that organ.

Rule 56* (59*)

Statement by the Secretariat

The Secretary-General or a member of the Secretariat designated by him as his representative may at any time make either oral or written statements to the Assembly concerning any question under consideration by it.

Rule 57* (60*)

Points of order

During the discussion of any matter, a representative may rise to a point of order, and the point of order shall be immediately decided by the President in accordance with these rules of procedure. A representative of a member of the Authority may appeal against the ruling of the President. The appeal shall be immediately put to the vote, and the President's ruling shall stand unless overruled by a majority of the members of the Authority present and voting. A representative rising to a point of order may not speak on the substance of the matter under discussion.

Rule 58* (61*)

Time-limit on speeches

The Assembly may limit the time to be allowed to each speaker and the number of times each representative may speak on any question. Before a decision is taken, two representatives of members of the Authority may speak in favour of, and two against, a proposal to set such limits. When the debate is limited and a representative exceeds his allotted time, the President shall call him to order without delay.

Rule 59* (62)

Closing of list of speakers, right of reply

During the course of the debate, the President may announce the list of speakers and, with the consent of the Assembly, declare the list closed. He may, however, accord the right of reply to any representative if a speech delivered after he has declared the list closed makes this desirable.

Rule 60* (63*)

Adjournment of debate

During the discussion of any matter, a representative may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, two representatives of members of the Authority may speak in favour of, and two against, the motion, after which the motion shall be immediately put to the vote. The President may limit the time to be allowed to speakers under this rule.

Rule 61* (64*)

Closure of debate

A representative may at any time move the closure of the debate on the question under discussion, whether or not any other representative has signified his wish to speak. Permission to speak on the motion shall be accorded only to two representatives of members of the Authority opposing the closure, after which the motion shall be immediately put to the vote. If the Assembly is in favour of the closure, the President shall declare the closure of the debate. The President may limit the time to be allowed to speakers under this rule.

Rule 62* (65*)

Suspension or adjournment of the meeting

During the discussion of any matter, a representative may move the suspension or the adjournment of the meeting. Such motions shall not be debated, but shall be immediately put to the vote. The President may limit the time to be allowed to the speaker moving the suspension or adjournment of the meeting.

Rule 63* (66*)

Order of procedural motions

Subject to rule 57, the following motions shall have precedence in the following order over all other proposals or motions before the meeting:

(a) To suspend the meeting;

(b) To adjourn the meeting;

(c) To adjourn the debate on the item under discussion;

(d) To close the debate on the item under discussion.

Rule 64* (67*)

Proposals and amendments

Proposals and amendments shall normally be submitted in writing to the Secretary-General, who shall circulate copies to the delegations. As a general rule, no proposal shall be discussed or put to the vote at any meeting of the Assembly unless copies of it have been circulated to all delegations in the languages of the Assembly not later than the day preceding the meeting. The President may, however, permit the discussion and consideration of amendments, or of motions as to procedure, even though such amendments and motions have not been circulated or have only been circulated the same day.

Rule 65* (68*)

Decision on competence

Subject to rule 63, any motion calling for a decision on the competence of the Assembly to adopt a proposal submitted to it shall be put to the vote before a vote is taken on the proposal in question.

Rule 66* (69*)

Withdrawl of motions

A motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that the motion has not been amended. A motion thus withdrawn may be reintroduced by any representative.

Rule 67* (70)

Reconsideration of proposals

When a proposal has been adopted or rejected, it may not be reconsidered at the same session unless the Assembly, by a two-thirds majority of the members of the Authority present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to two representatives of members of the Authority opposing the motion, after which it shall be immediately put to the vote.

XIII. DECISION-MAKING

Rule 68* (71*)

Voting rights

Each member of the Assembly shall have one vote.

Rule 69 (new)

Quorum required

[Deleted]

Rule 70* (72*)

Decisions on questions of procedure

Decisions on questions of procedure, including decisions to convene special sessions of the Assembly, shall be taken by a majority of the members of the Authority present and voting, provided that such majority includes a majority of the members participating in the session.

Rule 71 (73)

Decisions on questions of substance

Subject to rule 106, decisions on questions of substance shall be taken by a two-thirds majority of the members of the Authority present and voting, provided that such majority includes a majority of the members participating in the session. When the issue arises as to whether a question is one of substance or not, that question shall be treated as one of substance unless otherwise decided by the Assembly by the majority required for decisions on questions of substance.

Rule 72 (74)

Decisions on amendments to proposals relating to questions of substance

Decisions of the Assembly on amendments to proposals relating to questions of substance, and on parts of such proposals put to the vote separately, shall be made by a two-thirds majority of the members of the Authority present and voting, provided that such majority includes a majority of the members participating in the session.

Rule 73* (75*)

Use of terms

1. For the purpose of these rules, the phrase "members of the Authority present and voting" means members of the Authority present and casting an affirmative or negative vote. Members of the Authority who abstain from voting shall be considered as not voting.

2. Subject to the provisions of rules 23 to 26 and without prejudice to the powers and functions of the Credentials Committee, the term "members of the Authority participating" in relation to any particular session of the Assembly means any member of the Authority whose representatives have registered with the Secretariat as participating in that session and which has not subsequently notified the Secretariat of its withdrawal from that session or part of it. The Secretariat shall keep a register for this purpose.

Rule 74* (76*)

Deferment of voting on questions of substance coming up for voting for the first time

When a question of substance comes up for voting for the first time, the President may, and shall, if requested by at least one fifth of the members of the Authority, defer the issue of taking a vote on that question for a period not exceeding five calendar days. This rule may be applied only once to any question, and shall not be applied so as to defer the question beyond the end of the session.

Rule 75* (77*)

Deferment of voting upon request for an advisory opinion

Upon a written request addressed to the President and sponsored by at least one fourth of the members of the Authority for an advisory opinion on the conformity with the United Nations Convention on the Law of the Sea of a proposal before the Assembly on any matter, the Assembly shall request the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea to give an advisory opinion thereon and shall defer voting on that proposal pending receipt of the advisory opinion by the Chamber. If the advisory opinion is not received before the final week of the session in which it is requested, the Assembly shall decide when it will meet to vote upon the deferred proposal.

Rule 76* (78*)

Method of voting

1. The Assembly shall, in the absence of mechanical means for voting, vote by show of hands or by standing but a representative of any member of the Authority may request a roll-call. The roll-call shall be taken in the English alphabetical order of the names of the members of the Authority participating in that session, beginning with the member whose name is drawn by lot by the President. The name of each member of the Authority shall be called in any roll-call, and one of its representatives shall reply "yes", "no" or "abstention". The result of the voting shall be inserted in the record in the English alphabetical order of the names of the members.

2. When the Assembly votes by mechanical means, a non-recorded vote shall replace a vote by show of hands or by standing and a recorded vote shall replace a roll-call vote. A representative of any member of the Authority may request a recorded vote. In the case of a recorded vote, the Assembly shall, unless a representative of a member of the Authority requests otherwise, dispense with the procedure of calling out the names of the members; nevertheless, the result of the voting shall be inserted in the record in the same manner as that of a roll-call vote.

Rule 77* (79*)

Conduct during voting

After the President has announced the commencement of voting, no representative of a member of the Authority may interrupt the voting, except that representatives of members of the Authority may interrupt on a point of order in connection with the actual conduct of voting.

Rule 78* (80*)

Explanation of vote

Representatives of members of the Authority may make brief statements consisting solely of explanations of their votes before the voting has commenced or after the voting has been completed. The President may limit the time to be allowed for such statements. The representative of a member of the Authority sponsoring a proposal or motion shall not speak in explanation of vote thereon, except if it has been amended.

Rule 79* (81*)

Division of proposals and amendments

A representative of a member of the Authority may move that parts of a proposal or of an amendment should be voted on separately. If objection is made to the request for division, the motion for division shall be voted upon. Permission to speak on the motion for division shall be given only to two speakers in favour and two speakers against. If the motion for division is carried, those parts of the proposal or of the amendment which are approved shall then be put to the vote as a whole. If all operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

Rule 80* (82*)

Order of voting on amendments

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Assembly shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of the proposal.

Rule 81* (83*)

Order of voting on proposals

If two or more proposals relate to the same question, the Assembly shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted. The Assembly may, after each vote on a proposal, decide whether to vote on the next proposal.

Rule 82* (84*)

Elections

All elections shall be held by secret ballot unless otherwise decided by the Assembly.

Rule 83 (85)

Restricted balloting for one elective place

1. When one person or a member of the Authority is to be elected and no candidate obtains in the first ballot the votes of a majority of the members of the Authority present and voting, a second ballot restricted to the two candidates obtaining the largest number of votes shall be taken. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.

2. In the case of a tie in the first ballot among more than two candidates obtaining the largest number of votes, a second ballot shall be held. If on that ballot a tie remains among more than two candidates, the number shall be reduced to two by lot and the balloting, restricted to them, shall continue in accordance with the preceding paragraph.

[3. If a two-thirds majority is required, the balloting shall be continued until one candidate secures two thirds of the votes cast; provided that, after the third inconclusive ballot, votes may be cast for any eligible person or member. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the two candidates who obtained the greatest number of votes in the third of the unrestricted ballots, and the following three ballots thereafter shall be unrestricted, and so on until a person or member of the Authority is elected.]

Rule 84* (86*)

Restricted balloting for two or more elective places

When two or more elective places are to be filled at one time under the same conditions, those candidates, not exceeding the number of such places, obtaining in the first ballot the majority required shall be elected. If the number of candidates obtaining such a majority is less than the number of persons or members of the Authority to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot to a number not more than twice the places remaining to be filled; provided that, after the third inconclusive ballot, votes may be cast for any eligible person or member of the Authority. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

Rule 85* (87*)

Equally divided votes on matters other than elections

If a vote is equally divided on matters other than elections, a second vote shall be taken at a subsequent meeting which shall be held within 48 hours of the first vote; and it shall be expressly mentioned in the agenda that a second vote will be taken on the matter in question. If this vote also results in equality, the proposal shall be regarded as rejected.

XIV. SUBSIDIARY ORGANS

Rule 86* (88)

Establishment

The Assembly may establish such subsidiary organs as it finds necessary for the exercise of its functions in accordance with Part XI of the United Nations Convention on the Law of the Sea.

Rule 87 (89)

Composition

In the composition of subsidiary organs due account shall be taken of the principle of equitable geographical distribution and of special interests and the need for members qualified and competent in the relevant technical questions dealt with by such organs.

Rule 88* (90)

Statements by non-members of a subsidiary organ

Any member of the Authority that is not a member of a subsidiary organ shall have the right to explain its views to that organ on any proposal that the member of the Authority has made when that proposal is under consideration, provided that no co-sponsor of the proposal is a member of that organ.

Rule 89* (91)

Officers, conduct of business and voting

The rules relating to officers, conduct of business and voting of the Assembly apply, mutatis mutandis, to the proceedings of subsidiary organs except that:

(a) The Chairman of a subsidiary organ may exercise the right to vote;

(b) The presence of representatives of a majority of the members of any subsidiary organ shall be required for any decision to be taken.

XV. MEMBERSHIP

Rule 90* (92*)

Membership

All States Parties to the United Nations Convention on the Law of the Sea are ipso facto members of the Assembly.

Rule 91* (93*)

Suspension of the exercise of voting rights

A member of the Authority which is in arrears in the payment of its financial contributions to the Authority shall have no vote if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceeding two full years. The Assembly may, nevertheless, permit such a member of the Authority to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the member.

Rule 92* (94*)

Suspension of the exercise of rights and privileges of membership

1. A member of the Authority which has grossly and persistently violated the provisions of Part XI of the United Nations Convention on the Law of the Sea may be suspended from the exercise of the rights and privileges of membership by the Assembly upon the recommendation of the Council.

2. No action may be taken under paragraph 1 until the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea has found that a member of the Authority has grossly and persistently violated the provisions of Part XI of the Convention.

XVI. OBSERVERS

Rule 93 (95)

1.* The following may participate as observers in the Assembly:

(a) States and entities referred to in article 305 of the United Nations Convention on the Law of the Sea which have not ratified, nor acceded to the Convention nor, as the case may be, deposited instruments of formal confirmation of it;

(b) National liberation movements which in their respective regions are recognized by the Organization of African Unity or by the League of Arab States;

(c) Observers to the Third United Nations Conference on the Law of the Sea invited by the Secretary-General of the United Nations under paragraph 3 of General Assembly resolution 3334 (XXIX);

(d) The United Nations, its specialized agencies, the International Atomic Energy Agency and other intergovernmental organizations invited by the Assembly;

(e) Non-governmental organizations recognized by the Economic and Social Council of the United Nations.

2. Representatives of observers referred to in paragraph 1 (a), (b) and (c) of this rule may participate subject to the provisions of these rules in the deliberations of the Assembly and its subsidiary organs but shall not be entitled to participate in the taking of decisions.

3. Observers referred to in paragraph 1 (d) of this rule may designate representatives to participate in the deliberations of the Assembly upon the invitation of the President on questions within the scope of their competence.

4. Written statements submitted by observers referred to in paragraph 1 (d) of this rule shall be distributed by the Secretariat to the members of the Assembly.

5. Observers referred to in paragraph 1 (e) of this rule may designate representatives to sit at public meetings of the Assembly and upon the invitation of the President and subject to the approval by the Assembly may make oral statements on questions within the scope of their activities.

6. Written statements submitted by observers referred to in paragraph 1 (e) of this rule within the scope of their competence which are relevant to the work of the Assembly shall be distributed by the Secretariat in the quantities and in the languages in which the statements are made available.

XVII. ELECTIONS TO ORGANS

Members of the Council

Rule 94 (96)

Nominations

Each group of States Parties eligible for representation in the Council in accordance with article 161, paragraph 1, of the United Nations Convention on the Law of the Sea shall nominate its representatives.

Rule 95 (97)

Order of elections

1. The Assembly shall elect at its regular sessions members of the Council [from candidates] nominated by groups of States Parties referred to in rule 94 in the following order:

(a) Four members from among those States Parties which, during the last five years for which statistics are available, have either consumed more than 2 per cent of total world consumption or have had net imports of more than 2 per cent of total world imports of the commodities produced from the categories of minerals to be derived from the Area, and in any case one State from the Eastern European (Socialist) region, as well as the largest consumer;

(b) Four members from among the eight States Parties which have the largest investments in preparation for and in the conduct of activities in the Area either directly or through their nationals, including at least one State from the Eastern European (Socialist) region;

(c) Four members from among States Parties which on the basis of production in areas under their jurisdiction are major net exporters of the categories of minerals to be derived from the Area, including at least two developing States whose exports of such minerals have a substantial bearing upon their economies;

(d) Six members from among developing States Parties, representing special interests. The special interests to be represented shall include those of States with large populations, States which are land-locked or geographically disadvantaged, States which are major importers of the categories of minerals to be derived from the Area, States which are potential producers of such minerals, and least developed States;

(e) Eighteen members elected according to the principle of ensuring an equitable geographical distribution of seats in the Council as a whole, provided that each geographical region shall have at least one member elected under this subparagraph. For this purpose, the geographical regions shall be

Africa, Asia, Eastern European (Socialist), Latin America and Western European and Others.

2. In electing the members of the Council in accordance with paragraph 1, the Assembly shall ensure that:

(a) Land-locked and geographically disadvantaged States are represented to a degree which is reasonably proportionate to their representation in the Assembly;

(b) Coastal States, especially developing States, which do not qualify under paragraph 1 (a), (b), (c) or (d) are represented to a degree which is reasonably proportionate to their representation in the Assembly;

(c) Each group of States Parties to be represented on the Council is represented by those members, if any, which are nominated by the group.

3. The first such election shall be held at the first regular session of the Assembly.

Rule 96* (98*)

Terms of office

Each member of the Council shall be elected for four years. At the first election, however, the term of one half of the members of each group referred to in article 161, paragraph 1, of the United Nations Convention on the Law of the Sea shall be two years. The members of the Council whose terms are to expire at the end of two years shall be chosen by lot to be drawn by the Secretary-General of the United Nations immediately after the first election.

Rule 97* (99*)

Eligibility for re-election

Members of the Council shall be eligible for re-election, but due regard should be paid to the desirability of rotation of membership.

Rule 98* (100*)

By-elections

Should a member of the Authority cease to belong to the Council before its term of office expires, a by-election shall be held separately at the next session of the ASsembly to elect a member of the Authority for the unexpired term.

The Secretary-General of the Authority

Rule 99* (101*)

The Secretary-General shall be elected for four years by the Assembly from among the candidates proposed by the Council and may be re-elected.

Members of the Governing Board of the Enterprise

Rule 100 (102*)

Elections

1. The Assembly shall elect, upon the recommendation of the Council, the fifteen members of the Governing Board of the Enterprise.

2. In the election of the members of the Board, due regard shall be paid to the principle of equitable geographical distribution. In submitting nominations of candidates for election to the Board, members of the Authority shall bear in mind the need to nominate candidates of the highest standard of competence, with qualifications in relevant fields, so as to ensure the viability and success of the Enterprise.

Rule 101* (103*)

Terms of office

1. Members of the Board shall be elected for four years and may be re-elected; due regard shall be paid to the principle of rotation of membership.

2. Members of the Board shall continue in office until their successors are elected.

Rule 102* (104*)

By-elections

If the office of a member of the Board becomes vacant, the Assembly shall, in accordance with rule 100, elect a new member for the remainder of his predecessor's term.

The Director-General of the Enterprise

Rule 103* (105*)

The Assembly shall, upon the recommendation of the Council and the nomination of the Governing Board, elect the Director-General of the Enterprise, who shall not be a member of the Board. The Director-General shall hold office for a fixed term, not exceeding five years, and may be re-elected for further terms.

XVIII. ADMINISTRATIVE AND BUDGETARY QUESTIONS

Rule 104 (106)

Proposed annual budget

The Assembly shall consider and approve the proposed annual budget of the Authority submitted by the Council.

Rule 105* (107 and 108)

Financial implications of resolutions

1. No resolution involving expenditure shall be recommended for approval by the Assembly unless it is accompanied by an estimate of expenditures prepared by the Secretary-General.

2. The Secretary-General shall keep all organs informed of the detailed estimated cost of all resolutions which have been recommended by those organs for approval by the Assembly.

Rule 106 (109)

Contributions

1. The Assembly shall assess the contributions of members of the Authority to the administrative budget of the Authority in accordance with an agreed scale of assessment based upon the scale used for the regular budget of the United Nations until the Authority shall have sufficient income from other sources to meet its administrative expenses.

2. The Assembly shall consider the extent of the shortfall referred to in annex IV, article 11, paragraph 3 (c), of the United Nations Convention on the Law of the Sea and adopt measures for dealing with this shortfall.

3. Decisions on such matters shall be taken by consensus.

XIX. AMENDMENTS

Rule 107 (110)

Method of amendment

These rules of procedure may be amended by a decision of the Assembly, taken by [ ] of the members of the Authority present and voting.